

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*United Food & Commercial Workers  
Health & Welfare Fund of Northeastern  
Penn., Case No. 17-op-45177*

*Sheet Metal Workers Local No. 25  
Health & Welfare Fund, Case No. 18-  
op-45002*

*Louisiana Assessors Ins. Fund, Case  
No. 18-op-46223*

*Pioneer Telephone Cooperative Inc.  
Employee Benefits Plan, Case No. 18-  
op-46186*

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PARTIES' JOINT MOTION TO MODIFY THE CASE MANAGEMENT ORDER FOR  
THIRD PARTY PAYOR BELLWETHER CASES**

On October 2, 2024, the Court entered the Second Amended Case Management Order for Third Party Payor Bellwether Cases, ECF No. 5666. The Court subsequently modified certain deadlines in the Second Amended Case Management Order. *See* ECF No. 5814, 5815, 6039. The Court has previously indicated that any party may apply at any time for a modification or exception to its Case Management Orders. *See, e.g.*, Case Management Order One, Apr. 11, 2018, ECF No. 232.

Deadlines in the Second Amended Case Management Order for Third Party Payor Bellwether Cases require modification because the initial fact discovery ordered in these

bellwether cases remains ongoing, which impacts the operative deadlines in the Case Management Order. As such, the Parties jointly request the following modifications to the Court's Second Amended Case Management Order, ECF No. 5666:

CMO Provision	Current Date	Revised Date
TPPs to complete production of BW claims data (Section F.1)	November 8, 2024	July 21, 2025
Deadline to raise disagreements regarding custodians and search terms (Section F.2.iii)	January 17, 2025	September 29, 2025
Deadline to commence custodial document productions, which must continue on rolling basis (Section F.2.iv)	March 14, 2025	November 24, 2025
Deadline to serve written discovery on parties (Section F.2.v)	July 31, 2025	April 13, 2026
Deadline to complete document productions (Section F.2.vi)	August 29, 2025	May 11, 2026
Deadline to serve third-party subpoenas (Section F.2.vii)	September 12, 2025	May 26, 2026
Close of party fact discovery and third-party discovery (Section F.2.viii)	December 12, 2025	August 24, 2026
TPPs to serve expert reports and provide two proposed deposition dates (Section H.1)	January 30, 2026	October 13, 2026
Window for TPP expert depositions (Section H.1)	February 20 – March 13, 2026	November 2, 2026 – November 23, 2026
Defendants to serve expert reports and provide two proposed deposition dates(Section H.2)	March 31, 2026	December 11, 2026
Window for Defendant expert depositions (Section H.2)	April 21 – May 12, 2026	January 6, 2027 – January 27, 2027
<i>Daubert</i> and Dispositive Motions (Section I.1)	June 2, 2026	February 16, 2027
Responses to <i>Daubert</i> and Dispositive Motions (Section I.1)	August 3, 2026	April 19, 2027
Replies to <i>Daubert</i> and Dispositive Motions (Section I.1)	September 2, 2026	May 19, 2027

Good cause supports granting this request for the reasons identified above. The Parties have met and conferred concerning the requested modification and granting it will enable this matter to proceed in an efficient manner. All other provisions included in the Second Amended Case Management Order for Third Party Payor Bellwether Cases (ECF No. 5666) would remain unaffected.

Dated: June 12, 2025

Respectfully submitted,

**Defendants:**

/s/ Rebecca Fitzpatrick

Joseph N. Parsons  
JONES DAY  
500 Grant Street, Suite 4500  
Pittsburgh, PA 15219  
Tel.: (412) 394-9590  
jparsons@jonesday.com

Janine Cone Metcalf  
Michael Fraser Stoer  
JONES DAY  
1221 Peachtree Street, N.E., Suite 400  
Atlanta, GA 30361  
Tel.: (404) 521-3939  
jmetcalf@jonesday.com  
mstoer@jonesday.com

Rebecca Fitzpatrick, P.C.  
Kirkland & Ellis LLP  
333 West Wolf Point Plaza  
Chicago, IL 60654  
Tel.: (312) 862-2000  
Rebecca.fitzpatrick@kirkland.com

*Counsel for Defendants Allergan plc,  
Allergan Finance LLC, Allergan USA, Inc.,  
Allergan Sales, LLC*

/s/ Eric R. Delinsky

Eric R. Delinsky  
Alexandra W. Miller  
Paul B. Hynes, Jr.  
ZUCKERMAN SPAEDER LLP  
2100 L Street NW, Suite 400  
Washington, DC 20037-1525  
Tel.: (202) 778-1800  
edelinsky@zuckerman.com  
smiller@zuckerman.com  
phynes@zuckerman.com

*Counsel for CVS Indiana L.L.C., CVS Rx Services, Inc., CVS TN Distribution, L.L.C., CVS Orlando Florida Distribution, L.L.C., Pennsylvania CVS Pharmacy L.L.C., New Jersey CVS Pharmacy, L.L.C., Louisiana CVS Pharmacy, L.L.C., Oklahoma CVS Pharmacy, L.L.C., and CVS Pharmacy, Inc.*

/s/ Charles C. Lifland

Charles C. Lifland  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071  
Tel.: (213) 430-6000  
clifland@omm.com

*Counsel for Johnson & Johnson; Janssen Pharmaceutical, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; and Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.*

/s/ Eric W. Sitarchuk

Eric W. Sitarchuk  
Evan K. Jacobs  
MORGAN, LEWIS & BOCKIUS LLP  
2222 Market Street  
Philadelphia, PA 19103-3007  
Tel.: (215) 963-5000  
eric.sitarchuk@morganlewis.com  
evan.jacobs@morganlewis.com

*Counsel for Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Warner Chilcott Company, LLC, Actavis Pharma, Inc., Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc., and Actavis Laboratories FL, Inc.*

/s/ Matthew R. Ford

Matthew R. Ford  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, IL 60654  
Tel.: (312) 494-4400  
matthew.ford@bartlitbeck.com

Eric F. Dement  
BARTLIT BECK LLP  
1801 Wewatta Street, Suite 1200  
Denver, CO 80202  
Tel.: (303) 592-3138  
eric.dement@bartlitbeck.com

*Counsel for Walgreen Co. and Walgreen Eastern Co., Inc.*

/s/ Tara A. Fumerton

Tara A. Fumerton  
Tina M. Tabacchi  
JONES DAY  
110 North Wacker  
Suite 4800  
Chicago, IL 60606  
Tel.: (312) 782-3939  
tmtabacchi@jonesday.com  
tfumerton@jonesday.com

*Counsel for Walmart Inc.*

**Plaintiffs:**

/s/ Peter H. Weinberger

Peter H. Weinberger (0022076)  
SPANGENBERG SHIBLEY & LIBER  
1001 Lakeside Avenue East, Suite 1700  
Cleveland, OH 44114  
Tel.: (216) 696-3232  
pweinberger@spanglaw.com

/s/ James R. Dugan II

James R. Dugan II  
Dugan Law Firm  
One Canal Place – Suite 1000  
365 Canal Street  
New Orleans, LA 70130  
Tel.: (504) 648-0180  
jdugan@dugan-lawfirm.com

*Plaintiffs' Liaison Counsel*

/s/ Jayne Conroy

Jayne Conroy  
SIMMONS HANLY CONROY  
112 Madison Avenue, 7th Floor  
New York, NY 10016  
Tel.: (212) 784-6400  
jconroy@simmonsfirm.com

Joseph F. Rice  
MOTLEY RICE LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
Tel.: (843) 216-9000  
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.  
FARRELL & FULLER LLC  
1311 Ponce de Leone Ave., Suite 202  
San Juan, PR 00907  
Tel.: (304) 654-8281  
paul@farrellfuller.com

*Plaintiffs' Co-Lead Counsel*

Elizabeth J. Cabraser

Lieff Cabraser Heimann & Bernstein  
275 Battery Street, Suite 2900  
San Francisco, CA 94111  
Tel.: (415) 956-1000  
ecabraser@lchb.com

Paul J. Geller

Robbins Geller Rudman & Dowd  
225 NE Mizner Blvd., Suite 720  
Boca Raton, FL 33432  
Tel.: (561) 750-3000  
pgeller@rgrdlaw.com

*Plaintiffs' Executive Committee Members  
Representing TPP Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2025, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

*/s/ Tara A. Fumerton*

Tara A. Fumerton  
Tina M. Tabacchi  
JONES DAY  
110 North Wacker Dr.  
Suite 4800  
Chicago, IL 60606  
Tel.: (312) 782-3939  
tmtabacchi@jonesday.com  
tfumerton@jonesday.com

*Counsel for Walmart Inc.*